

01-04-01 D-A-C #2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Pankaj Malhotra

Docket No.: 14013-0013C  
(New Docket No.)

Serial No.: 09/132,567

Group No.: 2784

Filed: July 28, 2000

Examiner: Chung, P.

For: "USING PROFILES TO PERFORM BIT ERROR RATE TESTING"

Assistant Commissioner for Patents  
Washington, D.C. 20231

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OFFICE OF PETITIONS

**PETITION UNDER 37 CFR 1.53(e) TO ACCEPT AND TREAT AN IMPROPER  
APPLICATION CPA FILING UNDER 37 CFR 1.53(d)**

Petitioner intended on filing a continuation application under 37 CFR 1.53(b) rather than a CPA under 37 CFR 1.53(d) on July 28, 2000. This is evidenced by the transmittal filed with the continuation application on July 28, 2000, a copy of which is attached hereto. However, the docket number and the designated "Box" at the USPTO were inadvertently marked "CPA" even though the subject application was not intended as a CPA.

It should be noted that while a copy of the parent application was filed on July 28, 2000, no new subject matter was introduced, however, new claims were added and now require examination. Petitioner respectfully requests the designation of the above-referenced application as a continuation application under 37 CFR 1.53(b) and that it be accordingly processed. Examination of the subject application is therefore respectfully requested.

Enclosed please find check no. 1368 in the amount of \$130.00 as payment of the petition fee under 37 CFR 1.17(h).

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130.00 OP

In the event of any questions or concerns prior to rendering a decision on this petition, the commissioner is invited to contact the undersigned.

Respectfully submitted,

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Date: January 3, 2001



**Maryam Imam**

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**CERTIFICATE OF MAILING (37 CFR 1.8(a))**

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, DC 20231 on January 3, 2001 by Yselle Gonzalez.

